REMARKS

This Response is submitted in reply to the Office Action dated June 7, 2007. Claims 54 to 83 are pending. Claims 1 to 53, 55, 60, 67, and 72 were previously canceled. Claims 56 and 68 have been canceled herein. Claims 54, 57 to 59, 61, 62, 66, 69 to 71, 73, 74, 76, and 80 have been amended. No new matter has been added by these amendments. A Petition for a three-month extension of time is submitted herewith. Please charge deposit account number 02-1818 for the extension of time and any other fees due in connection with this Response.

The Office Action rejected Claims 54, 61, 63 to 66, 73, 75 to 77, 79, 80, 82, and 83 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,413,160 to Vancura ("Vancura I), in view of U.S. Patent No. 6,988,732 to Vancura ("Vancura II"), in view of U.S. Patent No. 6,394,899 to Walker ("Walker"), in further view of U.S. Patent No. 6,676,521 to LaMura ("LaMura"). Applicants respectfully disagree with the rejections. Nevertheless, Applicants have amended certain of the claims to advance prosecution of this application.

Amended independent Claim 54 is directed to a gaming method for use on a gaming network comprising: (a) receiving a wager from a player; (b) allocating a portion of the wager to a bonus pool; (c) displaying an image representing a first game; (d) determining whether to initiate a bonus game; (e) selecting a trivia question and a fixed set of answers associated with the trivia question for the bonus game, the trivia question and the fixed set of answers having a difficulty level selected according to a criterion, the criterion being independent of player preference; (f) forming a team from a plurality of players; (g) displaying an image representing the bonus game; (h) receiving a vote from at least one of the players forming the team at a processing unit on the gaming network, the vote associated with at least one of the fixed set of answers; (i) determining the answer selection at the processing unit on the gaming network according to the vote received from the at least one of the players forming the team; (j) determining an award based on the answer selection; and (k) providing the determined award to one or more players forming the team, wherein the award is provided from the bonus pool. Thus, in the method of amended independent Claim 54, the award is funded by a bonus pool which accumulates based on player wagers.

In the rejections of Claims 56 to 59, 62, 68 to 71, and 74 (See below), the Office Action admits that none of the prior art references (i.e., Vancura I, Vancura II, Walker, and LaMura) discloses funding a bonus game via a bonus pool which grows based on player wagers or portions of player wagers being allocated to the bonus pool (Office Action, Page 5). The Office Action attempts to cure these deficiencies in the prior art with U.S. Patent No. 6,217,448 to Olsen ("Olsen"). Olsen discloses financing bonus payouts from a bonus pool generated through wagers received by the players (Col. 9, lines 53 to 62). The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of invention to modify the prior art to include funding the bonus via a bonus pool funded by player wagers.

The Office Action correctly asserts that, by funding a bonus pool through player wagers, a casino does not lose any money when the pool is awarded because the pool maintains itself through player wagers. However, Vancura I (i.e., the primary reference) provides no suggestion or motivation whatsoever for the proposed modification. Moreover, such a modification would destroy the intended functionality of Vancura I. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. For this reason alone, the rejection is improper.

The object of Vancura I is to maintain the house advantage within a predetermined range (Col. 3, line 65 to Col. 4, line 2). To accomplish this, Vancura I discloses imposing a time limit for a knowledge-based bonus game. Limiting the length of the bonus game facilitates limiting awards, and as a result, limits the house's liability for bonus payouts.

Vancura I already provides a mechanism for maintaining the house advantage within a predetermined range (i.e., a timed bonus game) Thus, one skilled in the art would not have been motivated to modify Vancura I to accomplish this in another way, such as by funding bonus awards from a bonus pool which accumulates based on player wagers. If Vancura I were altered such that bonus awards were funded entirely by a bonus pool generated by player wagers, the house would not be liable for those awards in any case. Accordingly, limiting the length of the bonus game would do

nothing to maintain the house advantage within a predetermined range, and the invention of Vancura I would, therefore, be rendered useless.

For at least the reasons discussed above, amended independent Claim 54 and the claims depending therefrom are each patentable over the cited art.

Amended independent Claim 66 includes certain similar elements to amended independent Claim 54. For reasons similar to those discussed above with respect to amended independent Claim 54, amended independent Claim 66 and the claims depending therefrom are each patentably distinguished over the cited art.

As mentioned above, the Office Action rejected Claims 56 to 59, 62, 68 to 71, and 74 under 35 U.S.C. 103(a) as being unpatentable over Vancura I in view of Vancura II, Walker, and LaMura, in further view of Olsen. Claims 56 to 59 and 62 and Claims 68 to 71, and 74 depend from amended independent Claims 54 and 66, respectively. Accordingly, for the reasons discussed above with respect to amended independent Claim 54, Claims 56 to 59, 62, 68 to 71, and 74 are each patentably distinguished over the cited art.

The Office Action rejected Claims 78 and 71 under 35 U.S.C. 103(a) as being unpatentable over Vancura I in view of Vancura II, Walker, and LaMura, in further view of U.S. Patent No. 6,193,606 to Walker. It is respectfully submitted that the patentability of amended independent Claims 54 and 66 renders these rejections moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such act is courteously solicited. If the Examiner has any questions regarding this response, Applicant respectfully requests that the Examiner contact the undersigned attorney.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Adam H. Masia
Reg. No. 35,602
Customer No. 29159

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